

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 02-05
)	
ERIC S. YAMAGATA, Attorney at Law)	
)	
Respondent.)	
_____)	

CONCILIATION AGREEMENT

On or around April 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondent Eric S. Yamagata, Attorney at Law ("Yamagata") who business is located at 1001 Bishop Street, Suite 1030, Honolulu, Hawaii. Business Registration Division records show Yamagata is also an officer of Yamagata Development Company. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Yamagata and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondent and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondent pursuant to section 11-216(g), HRS.

- III. That Respondent have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondent waives the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondent enters into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 - 1. On or around April 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Harris 2000 campaign committee, initiated an investigation involving excess contributions in violation of section 11-204(a)(3), HRS.
 - 2. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
 - 3. The election period for Jeremy Harris and the Harris 2000 campaign committee for Mayor of Honolulu include the period from November 6, 1996 to November 7, 2000.

4. On or about June 27, 1999, Yamagata made a contribution to Harris in the amount of \$1,000.
5. On or about December 22, 1999, Yamagata made a contribution to Harris in the amount of \$2,000.
6. On or about September 20, 2000, Yamagata made a contribution to Harris in the amount of \$2,000.
7. That the contributions aggregated \$5,000 to the Harris 2000 campaign committee for the election period, an excess contribution of \$1,000.
8. Yamagata, acknowledges that an excess contribution of \$1,000 has been made to the Harris 2000 campaign committee in violation of section 11-204(a)(1)(C), HRS.
9. The excess contribution in violation of section 11-204(a)(1)(C), HRS, was not knowing, intentional, or reckless pursuant to section 11-229, HRS.
10. The excess contribution to Harris was an oversight.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #02-05, Yamagata understands and agrees to the following:

- (A) Yamagata agrees to an assessment of **Five hundred dollars (\$500)** pursuant to section 11-228, HRS.

(1) For violation of section 11-204(a)(31)(C), HRS,
making an excess campaign contribution to the
Harris 2000 campaign committee;

(B) Yamagata agrees to comply with campaign finance statutes
on contribution and expenditures to candidate committees.

(C) Terms of payment of the assessment shall be by Order of
the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing
a complaint under section 11-216, HRS, may review compliance with the
Agreement. If the Commission believes that the Agreement has been
violated, it may institute administrative proceedings or a civil action in the
Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have
signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission
and Yamagata on the matters raised herein, and no other statement,
promise, or agreement, either in writing or oral, not contained in this
Agreement made by either party or by agents of either party shall be
enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENTS:

Eric S. Yamagata
Attorney at Law

By: _____

Date: _____

(Name)
(Title)